

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Park Place, Inc.	
t/a The Park at 14th	Protest
920 14th Street, NW	Hearing
Retailer CN - ANC-2F	(Status)
License No. 75548	
Case #13-PRO-00153	

(Renewal Application)

February 19, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(9:41 a.m.)

CHAIRPERSON MILLER: Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board. Today is February 19, 2014.

My name is Ruthanne Miller. I'm the Chairperson. Joining me today to my far right is Mr. Donald Brooks and next to Mr. Brooks is Mr. Nick Alberti and next to Nick Alberti is Mr. Hector Rodriguez and to my left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. James Short.

We have six Members in attendance for the conduct of business today, at least this morning, and three constitutes a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from

1 any disruptive noises or actions in the
2 hearing room.

3 If you have any electronic
4 devices, pagers, cell phones or such, please,
5 make certain that they are turned off to avoid
6 any interruption of the proceedings.

7 When I call your case, please,
8 come forward and take a seat at the table.
9 You will note that there is a piece of paper
10 on each table for you to sign-in. This is to
11 ensure the correct spelling of your name for
12 the record.

13 The Open Meetings Act requires
14 that the public hearing on each case be open
15 to the public. The Board may, consistent with
16 Section 405(b) of the Open Meetings Act, enter
17 a closed meeting during or after the public
18 hearing on a case to consult with an attorney
19 to obtain legal advice, discuss settlement
20 agreements or deliberate upon a decision in an
21 adjudication proceeding.

22 Okay. Those are my general

1 instructions. And now, we will turn to the
2 cases on this morning's calendar.

3 The first case, Case No. 13-PRO-
4 00153, Park at 14th, I heard that someone was
5 running late in that case. Okay. So we are
6 going to pass that one and come back to that.

7 (Whereupon, at 9:42 a.m. a recess
8 until 9:55 a.m.)

9 CHAIRPERSON MILLER: All right.
10 So now we can go back to Park at 14th if
11 everyone is here? Okay. Then I'm calling
12 Case No. 13-PRO-00153, The Park at 14th
13 located at 920 14th Street, N.W., License No.
14 75548, in ANC-2F. So this is a renewal
15 application.

16 Do you want to identify
17 yourselves, please?

18 MR. SHIRAFKAN: Yes, good morning,
19 Madam Chair, Members of the Board. Macon
20 Shirafkan, S-H-I-R-A-F-K-A-N, on behalf of the
21 licensee. And apologies for the delay.

22 CHAIRPERSON MILLER: No problem.

1 Okay.

2 MR. BARNES: Marc Barnes, owner of
3 Park at 14th. That's M-A-R-C.

4 MR. BROWN: Patrick Brown,
5 Greenstein, DeLorme and Luchs on behalf of the
6 protestant.

7 CHAIRPERSON MILLER: Okay. Good
8 morning, Mr. Brown.

9 MR. BROWN: I followed you from
10 Zoning.

11 CHAIRPERSON MILLER: Right,
12 exactly. All right. Are there any
13 preliminary issues on this case?

14 MR. SHIRAFKAN: I do. Actually, I
15 wanted to request, and I guess as of yesterday
16 afternoon it was late afternoon, but I wanted
17 to file a motion. I don't think there is any
18 opposition. I don't know. I was going to
19 talk to the opposing here in front of the
20 Board.

21 If we can consolidate the cases
22 that we have coming up, I do have a written

1 motion that I can file with the Board today,
2 but we basically have a renewal protest and we
3 have a voluntary -- or settlement agreement
4 termination.

5 At this juncture, the ANC has
6 indicated and devoted that they are no longer
7 a protestant and as a matter of fact, they are
8 going to support the withdrawal of the
9 settlement agreement. Therefore, the only
10 parties for both cases are going to be just
11 these two parties right here.

12 As of right now, we have March 10th
13 we have to come back for a Roll Call on the
14 voluntary agreement termination and March 11th
15 we have to come back for mediation on the
16 renewal with Park. On March 26th, we have to
17 come for the Protest Hearing of the renewal.
18 And then, obviously, there is going to be two
19 more dates for the termination.

20 So I figured since the parties are
21 all the same, the issues are going to be the
22 same. This would be more economical and

1 efficient for all parties involved to just
2 consolidate all of it and perhaps leave the
3 March 26th date as the Protest Hearing for
4 both matters and then we can resolve that.

5 CHAIRPERSON MILLER: Okay.

6 MR. SHIRAFKAN: And, Madam Chair,
7 I put it in writing. In case you want it, I
8 can hand it up.

9 CHAIRPERSON MILLER: Have you
10 given it to Mr. Brown?

11 MR. SHIRAFKAN: I'll actually give
12 it.

13 CHAIRPERSON MILLER: Okay.

14 MR. SHIRAFKAN: It's exactly what
15 I just indicated.

16 CHAIRPERSON MILLER: Okay.

17 MR. SHIRAFKAN: Just in writing,
18 in case.

19 MR. BROWN: Madam Chair, having
20 just received it, I'm going to not respond
21 immediately. I'm not saying no or yes. I
22 just want to take it as advisement for my

1 client. And we will do so immediately on
2 whatever time table --

3 CHAIRPERSON MILLER: Okay.

4 MR. BROWN: -- is appropriate.

5 CHAIRPERSON MILLER: Okay. So you
6 will be file -- you are filing a motion then
7 today?

8 MR. SHIRAFKAN: Yes.

9 CHAIRPERSON MILLER: Okay. So we
10 don't need to look at it now. I would say
11 this that the Board is quite favorable --
12 would be probably quite favorable without
13 hearing from Mr. Brown, in general. The Board
14 has found in these kind of cases that these
15 are the same issues and it makes sense for all
16 concerned just to litigate them in one
17 proceeding.

18 But, Mr. Brown, we will give you
19 time to talk to your client and respond. But
20 basically, it seems to make sense for
21 everybody concerned.

22 So but what I'll do is I'll set

1 the date, leave the date March 26, 2014 at
2 4:30 p.m. as the renewal hearing date. And we
3 will leave that on the calendar and we'll wait
4 to hear from Mr. Brown, but it sounds like if
5 you can be ready, that sounds like it makes
6 sense for everybody.

7 MR. SHIRAFKAN: Thank you, Madam
8 Chair.

9 MR. BROWN: In the context of the
10 proposal, we are scheduled for mediation on
11 March 11th. We would consolidate mediation as
12 well.

13 CHAIRPERSON MILLER: Okay. So do
14 you want to respond to that, first, before I
15 say something?

16 MR. SHIRAFKAN: I would have no
17 objection of we doing that. Actually, I would
18 -- and I think, yeah, it would be beneficial
19 to just have one mediation.

20 CHAIRPERSON MILLER: Right.

21 MR. SHIRAFKAN: Discuss the same
22 elements and then if there is no outcome on

1 that, then come back to the Protest Hearing.

2 So we would have no objection.

3 CHAIRPERSON MILLER: Okay. I
4 think it makes sense. It's the same issues.
5 It's the same parties. There shouldn't be any
6 surprises, because you are talking about the
7 settlement agreement versus the renewal. It's
8 usually the same issues of peace, order and
9 quiet.

10 So I was thinking, do you think
11 you could respond within seven days?

12 MR. BROWN: Absolutely.

13 CHAIRPERSON MILLER: Okay. So we
14 can get this definite. So, you know, because
15 I think that the Board is likely to rule that
16 way unless there is some compelling reason
17 that you have, you know, and then we would
18 entertain that.

19 Okay. So as of now, we are just
20 doing the renewal hearing, but it looks like
21 it's very likely to be both. The same rules
22 apply in the hearing to both, so I just need

1 to remind you all about the PIF and the
2 exhibit form, which you should have received
3 in the mail and that they need to be submitted
4 to Ms. Anderson on behalf of the Board and to
5 all opposing parties in the matter.

6 If we don't receive a copy of your
7 PIF, your application or your protest,
8 whichever side you are representing, may be
9 subject to dismissal. If we don't receive a
10 copy of the exhibit form and the exhibits
11 themselves, your exhibits may be excluded from
12 the record upon a finding that the opposing
13 party has been prejudiced or no good cause for
14 the failure to submit has been shown.

15 Likewise, witnesses other than a
16 party may also be subject to exclusion if not
17 identified on the PIF.

18 Okay. So you can use that PIF for
19 both the issues, termination and renewal. And
20 if you have any questions, you can call 442-
21 6492, Ms. Anderson, and you can also call Ms.
22 Jenkins, our general counsel. Okay.

1 So we will expect a response
2 within seven days and then the Board will
3 respond to that.

4 And as of now, you have your date,
5 the March 26th date still. Okay. Any
6 questions?

7 MR. BROWN: Thank you.

8 CHAIRPERSON MILLER: Okay. Great,
9 thank you. All right.

10 MR. SHIRAFKAN: Thank you very
11 much. Madam Chair, would you like me to pass
12 this up?

13 CHAIRPERSON MILLER: Yes, sure.

14 MR. SHIRAFKAN: Thank you very
15 much. For consolidation.

16 CHAIRPERSON MILLER: Thank you.

17 (Whereupon, the Protest (Status)
18 Hearing in the above-entitled matter was
19 concluded at 10:02 a.m.)

20

21

22

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